



DECLARATION FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first, and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **DATA SET LEVEL MIRRORING TO ACCOMPLISH A VOLUME MERGE/MIGRATE IN A DIGITAL DATA STORAGE SYSTEM**, the specification of which was filed on November 18, 2003 as United States patent application number 10/717,199.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent or inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below, and have also identified below any foreign application for patent or inventor's or plant breeder's rights certificate(s) or any PCT international application having a filing date before that of the application on which priority is claimed.

NONE

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional applications listed below:

NONE

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below, or § 365(c) of any PCT international application designating the United States of America listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

NONE

Direct all telephone calls to Micah D. Stolowitz at (503) 224-3380. Address all correspondence to customer number 3528:

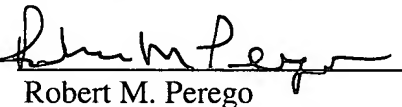
STOEL RIVES LLP  
900 SW Fifth Avenue, Suite 2600  
Portland, Oregon 97204-1268

I understand that execution of this declaration is required by the patent laws and that this document does not create any attorney-client relationship between me and any of the attorneys of Stoel Rives LLP.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Full name of sole inventor: **Robert M. Perego**

Inventor's signature:   
Robert M. Perego

1/21/04  
Date

Residence: Seattle, Washington

Citizenship: U.S.A.

Post office address: P.O. Box 4132  
Bellevue, Washington 98009



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
**Robert M. Perego**

Application No. 10/717,199

Filed: November 18, 2003

For: **DATA SET LEVEL MIRRORING TO  
ACCOMPLISH A VOLUME MERGE/MIGRATE  
IN A DIGITAL DATA STORAGE SYSTEM**

Attorney Docket No.: 70205/11:1

**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST**

TO THE COMMISSIONER FOR PATENTS:

Mainstar Software Corporation, assignee of the entire interest of the above-identified patent application, hereby appoints the practitioners of Stoel Rives LLP, USPTO Customer No. **3528**, as its attorneys and agents, with full power of substitution and revocation, to prosecute and transact all business connected therewith in the U.S. Patent and Trademark Office, and to do all things necessary before any competent International Authorities in connection with any corresponding international patent application(s).

Please enter the correspondence address for the above-identified application to the address associated with USPTO Customer No. **3528**:

STOEL RIVES LLP  
900 SW Fifth Avenue, Suite 2600  
Portland, Oregon 97204-1268

Direct all telephone calls to Micah D. Stolowitz at (503) 224-3380.

Statement Under 37 CFR §3.73(b): Mainstar Software Corporation states that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an Assignment from the inventor (copy attached).

The undersigned is empowered to sign this document on behalf of the assignee.

**Mainstar Software Corporation**

By: 

Steve C. Samuelson

Executive Vice President and Chief Operating Officer

Date: 1/21/04

## PATENT APPLICATION

### ASSIGNMENT

WHEREAS, I, Robert M. Perego, of Seattle, Washington, have made inventions described in a United States patent application entitled **DATA SET LEVEL MIRRORING TO ACCOMPLISH A VOLUME MERGE/MIGRATE IN A DIGITAL DATA STORAGE SYSTEM**, filed with the United States Patent and Trademark Office on November 18, 2003, and allocated application number 10/717,199.

WHEREAS, Mainstar Software Corporation, a Washington corporation, having a place of business at 12011 N.E. First Street, Suite 102, Bellevue, Washington 98005, receiving mail at P.O. Box 4132, Bellevue, Washington 98009, is desirous of acquiring an interest therein:

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, I, Robert M. Perego, hereby sell, assign, and transfer to Mainstar Software Corporation the full and exclusive right, title, and interest in and to said inventions, said patent application, and any and all patent rights and letters patent for said inventions in the United States and elsewhere throughout the world, including foreign patent priority rights and the right to apply for patents in foreign countries in my name or in the name of Mainstar Software Corporation, and further including all divisions and continuations of said application and of any foreign patent applications and all reissues and extensions of patent rights and letters patent for said inventions, all to be held and enjoyed by Mainstar Software Corporation, for its own use and benefit, and by its successors and assigns for their own use and benefit, for the full duration of the terms for which patent rights and letters patent may be granted in this or any foreign country, and covenant that I have full right so to do, and agree that I will communicate to Mainstar Software Corporation, and its successors and assigns, any facts known to me respecting said inventions, and testify in any legal proceeding, sign all lawful papers, execute all lawful divisional, continuation, and reissue applications, make all rightful declarations or oaths, and do everything lawfully possible to aid Mainstar Software Corporation, and its successors and

assigns, to obtain and enforce proper patent protection for said inventions in this or any foreign country.

Robert M. Perego  
Robert M. Perego  
Date: 1/21/07  
Executed at: SEATTLE WASHINGTON  
(city, state)

STATE OF WASHINGTON )  
County of King ) ss.

This 21<sup>st</sup> day of January, 2004, before me personally came the above-named Robert M. Perego, who executed the foregoing instrument in my presence, and who acknowledged to me that he executed the same of his own free will for the purposes set forth herein.

Christine R. Goto  
Notary Public for Washington  
My commission expires: 5/14/07

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Docket No.: 70205/11:1

